

"Los Angeles Times" 1998;Jun 18; Rosenbaum DE. Tobacco bill killed on procedural votes in Senate. "New York Times" 1998;Jun 18.

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"I have spent much of my life working to end the disease and death caused by tobacco. What Senator (Trent) Lott and his (Republican) colleagues have done today is public health malpractice, plain and simple. Ignoring the advice of every public health professional in America, they have chosen to listen only to a handful of television ads and a lot of (political action) committees."

Former US Surgeon General C Everett Koop, after the US Senate voted to kill the McCain bill. Source: Rubin AJ. Senate GOP kills tobacco measure. "Los Angeles Times" 1998;Jun 18.

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"The losers are the children of America."

US Senator John McCain, after the Senate voted to kill the comprehensive tobacco control legislation he sponsored. "This bill is not about taxes," McCain told his Senate colleagues just before the vote. "It's about whether we're going to allow the death march of 418,000 Americans a year who die early from tobacco-related disease and do nothing." Sources: Rubin AJ. Senate GOP kills tobacco measure. "Los Angeles Times" 1998;Jun 18; Rosenbaum DE. Tobacco bill killed on procedural votes in Senate. "New York Times" 1998;Jun 18.

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"Very bad legislation has been stopped. It was not comprehensive and it was not about kids. It was about money and taxes."

Scott Williams, spokesman for the tobacco industry, after the US Senate voted to kill the McCain bill, parroting the industry's \$40 million media campaign to smear the bill as a "tax and spend" package. Williams' amusing claim that the McCain bill was not "comprehensive" no doubt relates to his industry's unique definition of "comprehensive" (protects cigarette companies from legal liability). Source: Rubin AJ. Senate GOP kills tobacco measure. "Los Angeles Times" 1998;Jun 18.

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In response to claims by some Republicans who opposed the McCain bill that a vote on the bill would define the Republican Party:

"You know, Mr. President, there may be something to that. Because maybe we ought to remember the obligations that we incur when we govern America. Maybe we ought to remember the principles of the founder of our party. We might want to understand that our obligation first of all is to those who can't care for themselves in this society, and that includes our children. Shouldn't it define the Republican Party that we should do everything we can to handle this scourge, this disease that is rampant throughout young children in America? Doesn't that define the Republican Party?"

US Senator John McCain, addressing his colleagues in the Senate (including fellow Republicans and the president of the Senate) during the voting that killed the comprehensive tobacco control legislation he sponsored. After making this poignant statement, McCain walked off the Senate floor, and in a rare gesture Democratic senators



George Harrison gets a light from fellow Beatle John Lennon during a break in the filming of the 1964 movie "A Hard Day's Night". In July 1997 Harrison was diagnosed with throat cancer, which he said he got "purely from smoking". Shown on the right is Patti Boyd, Harrison's future wife. (Source: Carr R. "Beatles at the movies". New York: HarperCollins, 1996.)

stood and applauded. McCain's Republican colleagues remained silent in their seats. Rosenbaum DE. Tobacco bill killed on procedural votes in Senate. "New York Times" 1998;Jun 18.

Snippets from industry documents

ON THE INDUSTRY'S CONCERNS ABOUT HEALTH . . .

- "Smoke as many as you want. They never get on your nerves." *Camel*, 1934
- "More doctors smoke Camels than any other cigarette." 1948
- "Not one single case of throat irritation due to smoking Camels!" 1949
- "Old Gold cigarettes . . . not a cough in a carload." 1927
- "Ask your dentist why Old Golds are better for the teeth." 1935
- "Many prominent athletes smoke Luckies all day long with no harmful effects to wind or physician condition." 1929
- "Philip Morris—a cigarette recognized by eminent medical authorities for its advantages to the nose and throat." 1939
- "No other cigarette approaches such a degree of health protection and taste satisfaction." *Kent*, 1952
- "Just what the doctor ordered." *L&M*, 1953
- "[Viceroy] gives double-barreled health protection." 1953

Cigarette advertisements cited in B&W's "A Review of Health References in Cigarette Advertising 1927–1964."

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"We accept an interest in people's health as a basic responsibility, paramount to every other consideration in our business. We believe the products we make are not injurious to health. We always have and always will cooperate closely with those whose task it is to safeguard the public health."

A Frank Statement to Cigarette Smokers. 4 January 1954. "St Paul (Minnesota) Pioneer Press" 1998; May 7.

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"The industry does not . . . concede that cigarettes are unreasonably dangerous to anyone, young or old. The position in effect merely says that, out of a decent respect for the opinions of persons concerned about children taking up controversial habits, the industry does not direct cigarette promotions at people under 21."

BAT memo from senior vice president and general counsel Ernest Pepples.

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"[W]e believe that the Auerbach work proves beyond reasonable doubt that fresh whole cigarette smoke is carcinogenic to dog lungs and therefore it is highly likely that it is carcinogenic to human lungs."

Memo dated 3 April 1970 from the company research manager to the head of Gallaher Ltd, American Tobacco's British-based sister company. Trial Exhibit 21 905.

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"As an industry, therefore, we are committed to an ill-defined middle ground which is articulated by variations on the theme that 'the case is not proved.' . . . In the cigarette controversy, the public—especially those who are present and potential supporters (e.g. tobacco state congressmen and heavy smokers)—must perceive, understand, and believe in evidence to sustain their opinions that smoking may not be the causal factor."

Tobacco Institute memo dated 1 May 1972 from Fred Panzer, a vice-president for the tobacco industry, to Horace Kornegay, president of the Tobacco Institute. Trial Exhibit 20987 discussed in the Minnesota trial on 29 January 1998.

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"Members of this Research Department have studied in detail cigarette smoke composition. Some of these findings have been published. However, much data remains unpublished because they are concerned with carcinogenic and co-carcinogenic compounds. This raises an interesting question about the former compounds. If a tobacco company pled 'not guilty' or 'not proven' to the charge that cigarette smoke (or one of its constituents) is an etiological factor in the causation of lung cancer or some other disease, can the company justifiably assume the position that publication of data pertaining to cigarette smoke composition or physiologic properties should be withheld because such data might affect adversely the company's economic status when the company has already implied in its plea that no such etiologic effect exists?"

1962 RJR report by Alan Rodgman, The Smoking and Health Problem—a critical and

objective appraisal of (page 13). This document was discussed in the Minnesota trial on 29 January 1998.

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"Over the years you've heard so many negative reports about smoking and health, and so little to challenge these reports, that you may assume the case against smoking is closed. This is far from the truth. Studies which conclude that smoking causes disease have regularly ignored significant evidence to the contrary."

1984 RJR ad published in "Better Homes and Garden", "Newsweek", "People", "Red Book", "Time", "TV Guide", "USA Today", "US News & World Report", the "Wall Street Journal", the "New York Times", and the "Washington Post". Trial Exhibit 12667. This ad was discussed in the Minnesota trial on 31 March 1998.

ON NICOTINE ADDICTION . . .

"If the use of such drugs [marijuana] was legalised, one avenue for exploitation would be the augmentation of cigarettes with near subliminal levels of the drug."

March 1976 British-American Tobacco Company report entitled "The Product in the Early 1980s".

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"Although more people talk about 'taste,' it is likely that greater numbers smoke for the narcotic value that comes from the nicotine."

1972 memo from Philip Morris.

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"Very few consumers are aware of the effects of nicotine, i.e., its addictive nature and that nicotine is a poison."

1978 Brown & Williamson memo signed by HD Steele.

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"I would be more cautious in using the pharmlac-medical model—do we really want to tout cigarette smoke as a drug? It is, of course, but there are dangerous FDA implications to having such conceptualization go beyond these walls. . . . Perhaps this is the key phrase: the reinforcing mechanism of cigarette smoking. If we understand it, we are potentially more able to upgrade our product."

Memo dated 19 February 1969 from Philip Morris researcher Dr Helmut Wakeham. Minnesota Trial Exhibit TE12353.

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"10,000 times more addictive than morphine"

Etorphine, a narcotic that scientists in 1977 debated adding to BAT's cigarettes. "Wall Street Journal" 1998; Apr 23.

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"A cigarette is the perfect type of a perfect pleasure. It is exquisite and it leaves one unsatisfied. What more can one want?"

From Oscar Wilde's 1891 novel "The Picture of Dorian Gray", quoted by BATCO researcher, Colin C Greig before writing: "Let us provide the exquisiteness and hope that they, our consumers,

continue to remain unsatisfied. All we would want then is a larger bag to carry the money to the bank." Source: BATCO researcher Colin C Greig, in a document thought to date from the early 1980s.

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"Dr Seligman brought up the grant by Dr Abood in which one of the stated aims was to make a clinically acceptable antagonist to nicotine. This goal would have the potential of putting the tobacco manufacturers out of business."

Memo dated 10 January 1978 from Thomas S Osdene (director of the Philip Morris USA Research Center) in regards to a 5 January 1978 meeting held in the New York City office of the Council for Tobacco Research-USA Inc. with Drs Seligman, Holtzman, Gardner, Hockett, and Mr Hoyt. Trial Exhibit TE10227.

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"Irrespective of the ethics involved, we should develop alternative designs (that do not invite obvious criticism) which will allow the smoker to obtain significant enhanced deliveries should he so wish."

1984 memo by scientists at the British-American Tobacco Co.

ON TEENAGE SMOKING . . .

"Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while in their teens. At least a part of the success of Marlboro Red during its most rapid growth period was because it became the brand of choice among teenagers who then stuck with it as they grew older. . . . The smoking patterns of teenagers are particularly important to Philip Morris. . . . The share index is highest in the youngest group for all Marlboro and Virginia Slims packings."

1981 report sent from researcher Myron E Johnston to Robert B Seligman, then vice president of research and development at Philip Morris in Richmond, Virginia.

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"Younger adult smokers have been the critical factor in the growth and decline of every major brand and company over the last 50 years. They will continue to be just as important to brands/companies in the future for two simple reasons: the renewal of the market stems almost entirely from 18-year-old smokers. No more than 5 percent of smokers start after age 24. [And] the brand loyalty of 18-year-old smokers far outweighs any tendency to switch with age. . . . Brands/companies which fail to attract their fair share of younger adult smokers face an uphill battle. They must achieve net switching gains every year to merely hold share. . . . Younger adult smokers are the only source of replacement smokers. . . . If younger adults turn away from smoking, the industry must decline, just as a population which does not give birth will eventually dwindle."



Nicolas Cage told "US" magazine that he had quit smoking because his son's birth was "the straw that broke the camel's back".

"Young Adult Smokers: Strategies and Opportunities," R.J. Reynolds Tobacco Company, 29 February 1984.

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"The studies reported on youngsters' motivation for starting, their brand preferences, etc., as well as the starting behavior of children as young as 5 years old. . . . The studies examined examination [sic] of young smokers' attitudes towards 'addiction,' and contain multiple references to how very young smokers at first believe they cannot become addicted, only to later discover, to their regret, that they are."

"Apparently Problematic Research," a B&W document. "Minneapolis-St. Paul (Minnesota) Star Tribune" 1998; Mar 8.

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"Long after the adolescent preoccupation with self-image has subsided, the cigarette will pre-empt even food in time of scarcity on the smokers' priority list."

1969 memo from Philip Morris's top researcher.

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"Our profile taken locally shows this brand being purchased by black people (all ages), young adults (usually college age), but the base of our business is the high school student."

1978 Lorillard memo from Achey to Curtis Judge, CEO of Lorillard, about the "fantastic success" of Newport. Trial Exhibit TE 10195.

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"[C]omic strip type copy might get a much higher readership among younger people than any other type of copy."

1973 R.J. Reynolds marketing memo.

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"Serious efforts to learn to smoke occur between ages 12 and 13 in most cases."

"Ads for teenagers must be denoted by lack of artificiality, and a sense of honesty."

"However intriguing smoking was at 11, 12, or 13, by the age of 16 or 17 many regretted their use of cigarettes for health reasons and because they feel unable to stop smoking when they want to. . . . Over half claim they want to quit. However, they cannot quit any easier than adults can."

"Project 16," 18 October 1977 Kzechansky Marketing Research Inc. Report for Imperial Tobacco Limited.

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"It is the case that most of those who become smokers do so in their teens, but this is by no means to say that the teen years are when young people first try cigarettes. In fact, many, the males in particular, dabble at smoking well before adolescence. That very first smoke, in a number of cases, took place between the ages of 9 and 12 or 13."

"Project Plus/Minus". By Kzechansky Marketing Research Inc. Report for Imperial Tobacco Limited. Montreal, 1982. "Minneapolis-St Paul (Minnesota) Star Tribune" 1998;May 6.

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"It's a well-known fact that teenagers like sweet products. Honey might be considered (as a flavouring agent)."

1972 Brown & Williamson document.

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"They [Philip Morris] believe the industry should not show 'gratification' at news that smoking among children is trending down or express the view that children should not smoke."

May 1979 BAT memo from senior vice president and general counsel Ernest Pepples to the industry's "committee of counsel". "St Paul Pioneer Press" 1998;Apr 24.

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"We are not sure that anything can be done to halt a major exodus if one gets going among the young. This group follows the crowd, and we don't pretend to know what gets them going for one thing or another. . . . Certainly Philip Morris should continue efforts for Marlboro in the youth market, but perhaps as strongly as possible aimed at the white market rather than attempting to encompass blacks as well."

1974 Philip Morris document.

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"Evidence is now available to indicate that the 14-to-18- year-old group is an increasing segment of the smoking population. RJR-T must soon establish a successful new brand in this market if our position in the industry is to be maintained over the long term."

1976 Claude Teague draft report, "Planning Assumptions and Forecast for the Period 1977-1986 for RJ Reynolds Tobacco Company."

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"[Brown & Williamson] will not support a youth smoking program which discourages young people from smoking."

1983 Tobacco Institute memo. "US News & World Report" 1998;May 4.

ON PASSIVE SMOKING . . .

"Counsel at Shook, Hardy, & Bacon and Covington & Burling are seeking scientists and physicians able and willing to refute claims of nonsmoker harm."

RJ Reynolds memo on secondhand smoke. Knight Ridder news service, 23 April 1998.

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"The Philip Morris approach is that the industry's position on the science is correct, but that it is better to have someone else say it because the industry itself cannot win a causal argument."

1991 minutes of a meeting of the environmental smoke group. "New Scientist" 1998;Apr 30.

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"We anticipate that if Repace runs true to form there will be a good deal of media copy written about their analyses and thus we should begin eroding confidence in this work as soon as possible."

Letter dated 25 February 1985 by RJ Reynolds scientist Dr Anthony Colucci, in regards to passive smoking researcher (and former US Environmental Protection Agency employee) James Repace. "Wall Street Journal" 1998;Apr 28.

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"Although Dr [Ragnar] Rylander does not have a specific list of invitees in mind at this time, he was very receptive to suggestions. He would not invite Garfinkel, Hirayama, etc. . . . [Rylander's publication of the seminar's findings] would be valuable in view of the anticipated chapter in the 1982 Surgeon General's Report dealing with lung cancer and passive smoking."

Donald Hoel, tobacco company lawyer, writing in 1982 to Thomas S Osdene, director of the Philip Morris USA Research Center. "New Scientist" 1998;Apr 30.

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"Philip Morris is putting vast amounts of funding into these projects, not only in . . . large numbers of research projects but in attempting to co-ordinate and pay so many scientists on an international basis to keep the ETS [environmental tobacco smoke] controversy alive."

"In all of these countries Philip Morris have already begun to identify and talk to suitable scientists. . . . The consultants should, ideally, according to Philip Morris, be European scientists who have had no previous association with tobacco companies and who have no previous record on the primary issue which might, according to Remes, lead to problems of attribution. The mechanism by which they identify their consultants is as follows: they ask a couple of scientists in each country (Francis Roe and George Leslie in the UK) to produce a list of potential consultants. The scientists are then contacted by these coordinators or by the

lawyers and asked if they are interested in problems of Indoor Air Quality: tobacco is not mentioned at this stage. CVs are obtained and obvious 'anti-smokers' or those with 'unsuitable backgrounds' are filtered out. The remaining scientists are sent a literature pack containing approximately 10 hours reading matter and including anti-ETS articles. They are asked for a genuine opinion as independent consultants, and if they indicate an interest in proceeding further a Philip Morris scientist makes contact."

Note dated 17 February 1988 by Dr Sharon Boyse of British American Tobacco on a special meeting of the UK Industry on Environmental Tobacco Smoke, London. See: Chapman S. "Vast sums of money . . . to keep the controversy alive"—the 1988 BAT memo. "Tobacco Control" 1997;6:236-9.

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"The focus of the [Lisbon] conference will not be tobacco; rather, the point of the conference is to show the insignificance of ETS by emphasising the genuine problems of air quality in warm climates. Some degree of 'balance' in the presentation of the issues is of course necessary to achieve persuasiveness, but the overall results will be positive and important."

Covington & Burling, 1990.

ON THE INDUSTRY'S USE OF SCIENTIFIC CONSULTANTS . . .

"If we are to survive as a viable commercial enterprise, we must act now to develop responses to smoking and health allegations from both the private and the government sectors. The anti-smoking forces are out to bury us."

1982 memo by Philip Morris researcher, Thomas S Osdene.

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[Dr Gio B] Gori very bluntly asked, was it not possible for the tobacco lobby in Congress to use its influence to get Gori appointed to the position [head of etiology at the National Institutes of Health], bearing in mind that he is a reasonable man and sympathetic to the industry."

1973 Brown & Williamson memo by research director IW Hughes, who later became B&W chairman. "St Paul (Minnesota) Pioneer Press" 1998;Apr 2.

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"In view of Dr Russell's undisputed eminence in the medically orientated smoking behaviour area, I recommend that we should support him on the lines detailed above. I believe that Dr Russell would, in future, be prepared to take more notice of our advice, particularly on cigarettes."

1979 internal BAT Co. memo by senior scientist RE Thornton on Dr MAH Russell. "Minneapolis-St Paul (Minnesota) Star Tribune" 1998;Apr 10.

"We have one essential job—which can be simply said: Stop public panic."

December 1953 memo by the Hill and Knowlton public relations firm.

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"It has been stated that CTR (Council for Tobacco Research) is a program to find out about the 'truth about smoking health.' . . . Let's face it. We are interested in evidence which we believe denies the allegations that cigarette smoking causes disease."

Helmut Wakeman, Philip Morris head of research and development, in a memo to company president Joseph Cullman, 1970.

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"Historically, the joint industry-funded smoking and health research programs have not been selected against specific scientific goals, but rather for various purposes such as public relations, political relations, position on litigation etc."

1974 memo by Alexander Spears, former research director and current chairman of Lorillard Tobacco Co.

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"[A]s an alternative to invalidation, we can have the authors rewrite those sections of the reports which appear objectionable."

1969 Rf Reynolds memo, "Re: Invalidation of Some Reports in the Research Department," from senior research scientist Murray Senkus to Max Crohn, a company lawyer who later served as Reynolds' general counsel. Reuters wire service, 14 April 1998.

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"[O]ne of our consultants is an editor of this very influential British medical journal and is continuing to publish numerous reviews, editorials and commitments on environmental tobacco smoke."

The 1990 "Lancet" memo, prepared by Covington & Burling (London) for Philip Morris. "Times" (London) 1998;May 14. See: Dyer C. Tobacco company set up network of sympathetic scientists. "BMJ" 1998;316:1553; Sherwood T. Ombudsman's second report, and tobacco. "Lancet" 1998;352:7-8.

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"I have given Carolyn [Levy] approval to proceed with this study. If she is able to demonstrate, as she anticipates, no withdrawal effects of nicotine, we will want to pursue this avenue with some vigor. If, however, the results with nicotine are similar to those gotten with morphine and caffeine, WE WILL WANT TO BURY IT. Accordingly, there are only two copies of this memo, the one attached and the original which I have."

1977 Philip Morris memo by "nicotine kid" William L Dunn, to Thomas Osdene.

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"Janet Brown (made) a well-reasoned argument in defense of the long-established policy . . . to 'research the disease' as opposed to researching questions more directly related to tobacco. . . . First, we maintain the position

that the existing evidence of a relationship between the use of tobacco and health is inadequate to justify research more closely related to tobacco. . . . Secondly . . . the study of the disease keeps constantly alive the argument that, until basic knowledge of the disease itself is further advanced, it is scientifically inappropriate to devote the major effort to tobacco.”

1968 memo from Addison Yeaman, general counsel of Brown & Williamson, after a 1968 meeting to discuss the industry's research plans. “*St Paul (Minnesota) Pioneer Press*” 1998;Feb 23.

ON TOBACCO TAXES . . .

“Of all the concerns, there is one—taxation—that alarms us the most. While marketing restrictions and public and passive smoking [restrictions] do depress volume, in our experience taxation depresses it much more severely.”

1985 Philip Morris document, “*Smoking and Health Initiatives—PM International*”. (Bates numbers 2023268329-49.)

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“I realize that research tells us that the majority of smokers wished they did not smoke and are, therefore, unlikely to be of much help to the industry. . . . My guess is that a large number of our smokers must take the view that, though they may try to quit, they will probably not be successful. Having faced up to the fact that they will probably continue to smoke, I cannot believe that they will willingly accept higher taxes on cigarettes.”

1985 Philip Morris document, “*Smoking and Health Initiatives—PM International*”. (Bates numbers 2023268329-49.)

ON TOBACCO CONTROL . . .

“1984 was the year that the anti-smokers came of age. They settled on a leader, an individual capable of uniting the many competitive organizations intent upon closing the doors of this industry. That individual is the United States Surgeon General. Dr Koop has called for a smoke-free society by the year 2000. He has made that his personal and official crusade. He has attracted funding for the anti-smokers. He has attracted journalists. And he has deliberately inspired anti-smoking militarism. That militarism is more than a mere PR theme. We see it clearly in our own research. The gestation of the anti-smoking movement during the past two decades has brought forth a stampeding elephant.”

Tobacco Institute, “*Annual Report to the Board of Directors*”, 13 December 1984. (Bates numbers 367-394.)

“We must attack the anti-smoking groups and zealots more confidently than we have in

the past. If we can cool their zeal just a bit, not only might smoking as a subject become less of an issue, but also smokers might begin to feel less embattled. . . . Here perhaps we could commission a book on the ‘anti-industry industry’ and show that our attackers actually make money out of their activities, a situation quite at variance with their image today. Possibly, too, we can discredit our critics. . . . If we dig around, we will certainly find anomalies which we can exploit.”

1985 Philip Morris document, “*Smoking and Health Initiatives—PM International*”. (Bates numbers 2023268329-49.)

ON THE INDUSTRY'S RELATIONSHIP WITH THE MEDIA . . .

“A number of media proprietors that I have spoken to are sympathetic to our position. Rupert Murdoch and Malcolm Forbes are two good examples. The media like the money they make from our advertisements and they are an ally that we can and should exploit.”

1985 Philip Morris document, “*Smoking and Health Initiatives—PM International*”. (Bates numbers 2023268329-49.)

ON THE INDUSTRY'S VIEW OF THE FUTURE . . .

“We have to satisfy the ‘individual’ who is either about to give up or has just done so. . . . We are searching explicitly for a socially acceptable addictive product involving:

- A pattern of repeated consumption.
- A product which is likely to involve repeated handling.
- The essential constituent is most likely to be nicotine or a ‘direct’ substitute for it.
- The product must be non-ignitable (to eliminate inhalation of combustion products and passive smoking).”

August 1979, “*Key Areas—Product Innovation Over Next 10 Years for Long Term Development*” (BAT). “*The Guardian*” 1998;Feb 15.

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“[T]he law imposes on a manufacturer the duty to know what can be known about its product . . . [T]he question will be raised, for jury resolution, whether a reasonably prudent manufacturer capable of conducting biological research would not have instituted biological testing programs in the 1920s, 1930s or 1940s, eras in which . . . red flags of warning respecting serious health questions were being raised in the scientific literature.”

1965 Janet Brown memo on whether American Tobacco Co. should investigate “the relationship of smoking to human cancer”. “*St Paul (Minnesota) Pioneer Press*” 1998;Feb 23.